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H – 1015

International Court of Justice

Cor. B.
Winkler
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1000 - 1130 hours
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H1015-0002

EINHARDT RATHCKE--Continued
DIRECT EXAMINATION--Resumed

Commissioner:
Mr. George R. Taylor (The Commission reconvened at 1045 hours)

THE SA

[redacted]

MR. TAYLOR: The witness is reminded that he is still under oath.

THE WITNESS: Yes, sir.

MR. TAYLOR: Proceed, Doctor.

DIRECT EXAMINATION RESUMED

BY DR. BOEHM (Defense Counsel for the SA)

Q. I asked you yesterday, witness, whether you or the SA has received any instructions which would have indicated the nature of the plans of the SA leadership. Is it true that answering yesterday that the little SA man did not have much political insight or forsight?

A. I may repeat that the passing of orders to the lower grades of SA leaders was a very bad one; that the political information passed to the average SA-man was very poor, and that I myself, in good conscience, can say that the average SA-man has no insight of the political plans of the SA leadership.

Q. Was it possible during the years of 1933 to 1938, or even up to 1939, that anybody could have made propaganda, and he believed that an aggressive war was planned?

A. One should not forget that the SA was composed of men who were starving and hungry during the first world war and who were unemployed subsequently, and who wanted nothing but peace, work and bread. And one should also remember that the annual gathering of the Nazi Party in 1939, had been known as one of peace.

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Q. Could the average SA-man conclude from Hitler's speeches of the plan of aggressive war, or was he rather to conclude the opposite?

A. If one believed Hitler, and it was still possible, one could not be able to believe that he was planning an aggressive war.

MR. TAYLOR: Doctor, does this pertain to this witness? I understand he is to testify generally as to the attitude of the SA towards the church.

DR. BOEHM: I discussed that group of questions with Col. Neave, and this was verified by my colleague, Mr. Aschnauer, who was there.

MR. MARRECO: This matter was referred by telephone to Col. Neave yesterday afternoon, and he said expressively that he had been chosen to testify only on the attitude of the SA towards the church.

MR. TAYLOR: I don't know what Col. Neave approved or did not approve, but the witness apparently is giving his own personal views of the attitude or the expression of what he thinks of Hitler's speeches. The Commission doesn't believe that it is material to the defense of the organization.

DR. BOEHM: I discussed with Col. Neave that the witness is a gentleman representing the highest administrative body of the church, and that he should be heard on these questions also.

MR. TAYLOR: The Commission has no objection to that. The Commission doesn't say the witness is not a gentleman. The Commission doesn't say that he isn't familiar with the attitude of the people and the church, but he must confine himself to the defense of the organization. Let's confine ourselves to the defense of the organization, and that is all the Commission is going to hear from this witness. I don't want to hear any personal opinions.

MR. ASCHENAUER: I would like to explain a misunderstanding. The representative of the prosecution will remember that Capt. Tubridy came down yesterday and confirmed that he had ordered, after discussing the matter with Col. Neave,

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that Col. Neave/~~xxxxxx~~ be phoned by the defense and the points were laid down on which the witness ~~xxxx~~ was to be examined as follows:

MR. TAYLOR: It's not necessary to continue this discussion. You have your witness here - proceed along the line of defense that you have and introduce the evidence that ~~thi~~s witness is going to testify, to but apparently during your line of questions this morning, some are not relevant to the defense.

Q. Did the SA take steps which are to be interpreted as hostile towards the church?

A. One should keep in mind that one of the sub-members was the Parlimentary Minister's son, Horst. Father was the field chancellor of the late Field Marshal von Hindenburg.

MR. TAYLOR: The witness is not answering your questions. He is going into a speech-making testimony. Let's confine ourselves to your questions. The witness is intelligent - he can answer your questions. You ask the questions and let him answer it. That's all we want.

DR. BOEHM: It is the opinion of the Defense Counsel that the question cannot be answered with one sentence only.

MR. TAYLOR: The Commission may be wrong, but certainly it doesn't take the witness all this time to answer your question. That's what is delaying all these hearings - is the witness~~es~~ trying to give a speech and give a lot of explanation. I do hope that counsel will get together with the witness~~es~~ and have the witness~~es~~ answer the questions briefly when possible.

LT. COMDR. FELTON: I think the witnesses should be instructed to answer the question either yes or no. If no, nothing more can be explained If yes, then he can explain what the hostile actions were.

DR. BOEHM: Whether explanations are necessary are based on the knowledge of the witness and prosecution can not give directives. (Mr Taylor) I suggest that one should agree that witnesses should ~~xxx~~ answer as they do before the

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Tribunal with yes or no and if they then consider it necessary to give explanation, then they should be permitted to do so.

LT. COMDR. FELTON: Exactly.

MR. TAYLOR: Let's proceed - go ahead.

Q. You explained to us , Witness, that Horst was the sone of a minister. What do you conclude from that in regard to my question whether the SA acted in a hostile manner towards the church?

A. From my experiences within the framework of the church, I do not know of one incident in which the SA disturbed divine services or damaged,in any way, church buildings or property.

Q. If such incidents would have occurred, would the church administration have learned about it?

A. Yes, it would have come to our knowledge just as much as we learn today that the wives of ministers are raped and the ministers are torn away from their residences.

Q. Was the word of the Lord ridiculed within the SA?

A. There are some free thinkers in the SA who opposed the preaching of the word Lord in the SA in occasional conversations. There were individual residents to which were accustomed on the basis of philosophical controversies we had carred on throughout the years.

Q. Can one say that those people were free thinkers because they belonged to the SA, or would one say they would have been freethinkers as members of any other organization too?

A. Yes, we had former Communists in the SA.

Q. Did the average SA-man approve of the persecution of the Jews?

A. There was a general indignation within the SA about the events of

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November 8 and 9, 1938, in spite of the fact that unfortunately in some places SA-men participated in those outrages. As far as I recollect they were individual residents which were punished immediately.

Q. What did the SA know about the concentration camps?

LT. COMDR. FELTON: This man is not qualified to answer that as far as I know.

MR. TAYLOR: If the witness knows the answer himself, all right. If it is personal opinion, then the question is not proper. If he knows, it's different.

Q. What did you as a member of the church administrative body know about concentration camps?

MR. TAYLOR: Let's find out what his qualifications are to know, except his individual opinion. It appears you are aksing him for a conclusion, ~~rather personal~~.

DR. BOEHM: Originally the witness was called to testify on the subject SA and the church, and I reached the agreement with Col. Neave to the effect that the witness who was a member of the highest administrative body of the Protestant church in Germany, that he be heard on the aspect - on the point of view the average German had on the SA, and Col. Neave replied as follows: considering the position which the witness has held, it will be interesting to hear him on that subject.

MR. TAYLOR: We arewasting a lot of time and frequently the Commission is of the opinion that this is irrelevant. I don't think the Commission under 6-A --- I think counsel having read that, should confine themselves to that in testimony before the Commission. We can save more time by ~~giving~~ going ahead and letting the witness answer.

DR. BOEHM: Article 6 A (3) is based on the assumption of whether or

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not the individual member of the SA could ascertain the criminal character of the organization. This witness was not a leader in the SA. He was just a simple SA man, and as such and from his position as leading church administrator, he was able to gain certain opinions from the SA and I would like to request that the Commission hear at least one witness of this nature. We know that crimes were committed in concentration camps, and I think it would be highly valuable if we would learn from this witness what he and his church learned about crimes in concentration camps.

MR. TAYLOR: Proceed with the witness.

Q. What did the SA know about the concentration camps?

A. Everybody knew there existed the concentration camps of Oranienburg and Dachau, ~~xxxxxx~~ Those camps were characterized as institutions of temporary nature. ~~Thxyxxxxxxi~~ There were in the ranks of the SA even people who had been discharged from concentration camps. However, those people refused to give any information about the treatment they had received in the concentration camps.

Q. And what did you know as a member of the church administrative body about the concentration camps?

The concentration camp, Sachsenhausen belonged in my church district. Because Pastor Niemueller was kept there, we tried in vain to get in contact with that camp. Neither Dr. Niemueller's direct co-workers were in a position, Probst Hans Boehm were in a position to do so, nor the superintendent of the church at Eberhard Simon.

Q. Did the SA know anything about any of the other crimes the prosecution charges?

A. May I ask of what crimes you are talking?

Q. I refer to all crimes charged under 6 A , and that means not only crimes

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against peace, but war crimes and crimes against humanity as well.

A. Those crimeswere supposedly committed during the war at a time when the majority of the members of the SA served in the armed forces.

Q. Did you read anything about them in the newspapers?

A. No.

Q. Did you gain from any source any information on those things?

A. No.

Q. Wasn't it also that political propaganda made it impossible for you to be informed of those things?

A. Yes, of course, that is true, because propaganda was mostly one-sided, but there was no other source of information existing for us.

Q. Do you know that there was a penalty of death if you would listen to foreign broadcasts?

A. Yes, I know that.

Q. Did members of the SA in conversations with you in your capacity as a minister try to get clarification as to the result and consequence of belonging to the SA?

A. Yes, while the radicalism of SA increased, it became important for the individual to ascertain how much longer he was compelled to remain obedient to the SA.

Q. Did you ever discuss with individuals to what extent the State was entitled to demand individuals to joining or remaining within the SA? And did you affirm or negate that question in principle?

A. On the basis of the German law to assure the unity of State and Party, issued on December 1, 1933, every Germany citizen was obliged to belong to an organization of the Party.

Q. That means you answered that question in the affirmative in the

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conversation with your SA members?

A. On the basis of Biblical consequence of obedience as expressed in Romans #13, every minister has to submit to the order of obedience towards State authorities. The only thing we could tell the individual was that you, at the point you are standing, have the obligation to oppose crimes.

Q. What was the attractive element for you in the SA?

A. In the SA was a simple German people in whose cleanliness and decency I still believe.

Q. Weren't there other elements in the SA which attracted you too, as for instance, the idea of the union of the people?

A. I stressed already yesterday that after the years of starvation and struggle, everybody desired a real socialist people community, and that was our conviction. On that point there was a real missionary task for the church.

Q. You know that Niemueller was put into a concentration camp. Why didn't you show the same attitude as he did?

A. Niemueller had expressed demonstratively the opposition against the institution of concentration camps and the divine cult with the person of Adolph Hitler. It was the general opinion within the church circles that with Niemueller's deed the need for demonstration and protest had been satisfied for the time being, and that therefore now every German should fulfill his duty at his position in a decent way.

Q. You, therefore, considered it adviaable to continue your work in a manner which would permit you to continue your work?

A. We opposed any access of which we learned, and we opposed those outrages of which we learned in the newspapers always only after they had happened and we tried to influence the SA.members in that sense.

Q. My last question is the following. You mentioned before that a few

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individual SA-men participated in the outrages of November 8 and 9, 1938. Wouldn't that have constituted a valid reason for you and others to dis-asspciate with the SA unless you did approve of those events?

A. The large majority of the members of the SA disapproved and condemned these events, but since we were told that the supreme SA leadership had pro-prohibited those events and that the individuals who participated in them would be sentenced and punished, we felt that our conscience could be satisfied.

Q. Wasn't your attitude also influenced by the fact that the events of November 8 and 9, 1938 constituted one single event?

A. Yes, that was relevant because we believed again and again that in the future such outrages could be corrected.

Q. As far as your district was concerned, didn't many SA men you know of participate in the event of November 8 and 9, 1938?

A. As far as I know the events of November 8 and 9, 1938, were carried out by an organization troop which was not joined by the SA. Only during the course of November 10 in certain parts of the city individual SA men participated in those things. I myself didn't see one single SA man in uniform participate, and only subsequently I was informed that actually SA men did participate.

Q. Could you frankly and truthfully say that the overwhelming majority of the SA men did not participate in these events or do you have to deny that?

A. The atrocities and crimes committed them were not in accordance with the nature and character of the German people, and the average SA man did not approve of them.

DR. BOEHM: No further questions.

MR. TAYLOR: Any cross examination?

CROSS EXAMINATION

BY MR. MARRECO:

Q. Why did you leave the SA in 1938?

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A. Because there existed a general order that members of the church and ministers whould not belong to a Party organization any more. As far as I know that was a secret order of the Party leadership.

Q. What was the purpose of that order?

A. To diminish gradually the effectiveness of the church within the SA.

Q. Wasn't it because the SA had no use at all for anything that was Christian?

A. That I do not believe, because I repeat could prove of pure and decent attitude on the part of my SA men.

Q. Where was the church with which you were connected?

A. It is the Evangelical Church of the Prussians for Branburg and Prussia province.

Q. Was that the church with which Pastor Niemueller belonged?

A. Yes.

Q. Are you speaking here for the Evangelical Church or are you speaking for one sector of the Lutheran Church?

A. I belonged to that church and not to any special sector.

Q. What was the attitude of the SA and of the Party towards the Roman Catholic Church?

A. There existed a great deal of conflict between the SA and Roman Catholic Church.

Q. Isn't it a fact that throughout Germany the Roman Catholic Church was terribly insulted and persecuted?

A. I may stated that I represent the Protestant sector of the church.

MR. TAYLOR: That is not the question that prosecution asked him.

A. No, in that general way, one could not state that.

Q. Are you familiar with the publication, "The SA Man"?

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A. I know of it, but I read only a few issues of it.

Q. Are you familiar with the articles which are being quoted in evidence in these proceedings in document 3050 P.S. - articles antagonistic to the Roman Catholic Church?

A. No, at this moment I'm not familiar.

Q. Am I to understand that you cannot speak for the Roman Catholic Church, but can only speak for the Evangelical Church?

A. Yes.

Q. Is it correct that two factions existed in the Evangelical Church - the Deutscher Christian and the so-called Confessional faction?

A. Yes.

Q. To which faction did Reichs Bishop Mueller belong?

A. He was counted among the German Christians.

Q. And to which faction did Pastor Niemueller belong?

A. Confessional church.

Q. What was your attitude towards Reichs Bishop Mueller?

A. Large sectors of the church did not accept Reichs Bishop Mueller, because he was considered inadequate both as a the theorist and as a minister.

Q. Was it because Reichs Bishop Mueller was prepared to condone the accesses?

A. I do not know of that reason and I would consider it entirely impossible that Mueller, in spite of his friendly attitude towards the Nazis, could have condoned such accesses.

Q. You said that the units of the SA attended church services. Would they not attend that church which had purged of even many of independent lines and which more likely Mueller had been seized and thrown into a concentration camp?

A. No, the matter was like this. During that theoradical conclusions between the so-called German Christians and confessional people, the majority

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retained neutral and different positions, and the SA members and other people retained quite normal relationships to those ministers.

Q. The SA was a function of the Nazi Party, was it not?

A. Yes.

Q. So may I take it that SA policy in general was harmless with Party policy?

A. Not in every respect, because one has to realize that considering the huge program of the Party, the single points of the program were under constant discussion.

Q. Yes, there may have been differences in detail, but not in general. The Party laid down the broad lines which the SA was to follow, did it now?

A. There existed, if I may say so, a little tension between the SA and the Party, because the average SA man refused from the very beginning to accept certain tendencies within the Party and he retired to a more moderate position.

Q. Are you telling us that Lutze, the SA Chief of Staff was a good church man?

A. As far as I know Lutze never left the church, and I do not know that he ever openly opposed it.

Q. ~~xxxxxx~~ Look at this document. I shall read to you an extract from Document D-75, which is included in the document book of the Political Leaders. It is a letterfrom the inspector of the Security Police at Dusseldorf to Amt 4 of the RSHA. In the second paragraph it refers to a secret decree of the Party Chancellory signed by Bormann, in which Bormann clearly points out Nationalist Socialism and are incompatable and that the influence of the churches in Germany, including the Protestant Church must be eliminated. What have you got to say to that clear statement of the National Socialist policy?

A. Only in the course of development of many years, we learned of the hostile attitude towards the church by the Chancellor of the Party and Bormann, and

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that actually secret orderes dated from 1941. At that time we knew that Bormann had become a fanatical enemy of the church.

Q. I think you have sufficiently answered that question. Will you agree with me that Reichs Bishop Mueller, who was a leader of the faction in the church function, was if anything more favorable than must churchmen to Party doctrine? Isn't that a question that could be answered yes or no? Wasn't Reichs Bishop Mueller or was he not more favorable than most churchmen to Party doctrine?

A. In general I guess one could affirm that.

Q. Yes, we have this letter which is 098 P.S., included in the Hess document book from the Party Chancellory addressed to Rosenberg by Bormann which speaks even of Reich Bishop Mueller in these terms. I better read this: "The deputy of the Fuehrer has heard from different sources that Reich Bishop Mueller tells everywhere, that he received a commission from you to work out directions for formulating the teaching ~~texts~~ of religion for the schools. I have not been able to examine the statements of Reich Bishop Mueller as to their correctness. The question, having come up for discussion again by the statements of Reich Bishop Mueller, is however in my mind of such fundamental importance for the future ideological position of the party, that I find it necessary, already now to point out to you the serious objections I have in regard to such a commission." Would you readthat. Two paragraphs down: "Christianity and National Socialism are phenomena which originated from entirely different basic causes. Both differ fundamentally so strongly, that it will not be possible to construct a Christian teaching which would be completely compatible with the point of view of the national socialist ideology; just as the communities of Christian faith would never be able to stand by the ideology of national socialisim in its entirety. The issuing of national socialists directionsfor the teaching of religious classes would

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however be based on a synthesis of national socialism and Christianity which I find impossible." Isn't that a clear statement of National Socialist policies, and in view of this statement how can you say that an organization of the Party was in harmony with church teaching?

A. Subsequently one can state only with feelings of deep soul that the supreme leadership, Bormann and Hess, actually they went that way of error and mistake.

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Q. [illegible]: All right. I think you have answered that question--unless you want to explain further.

A. I would like to add that the letter was not written before 1940, and that Reichsbischof Mueller, after his dismissal in 1937, had nothing more to do with the church.

Q. You have told us a good deal about outrages against churches committed by individual SA men, and you have told us that you were critical of these outrages--which you only read about in the papers after they happened. In view of [illegible] your knowledge of these widespread outrages, isn't it patently absurd to come here and say that the attitude of the SA toward the Church was not a hostile one?

A. I beg your pardon; a misunderstanding must have occurred. I never stated that I learned of outrages committed against the Church. I stated that I learned of numerous outrages committed against Jews and other political enemies. I did learn of the outrages committed in November, 1938, but none of them were committed against churches.

Q. I have no further questions.

COMMANDER FELTON: May we decide after the recess whether or not we need this witness further?

MR. TAYLOR: Very well.

(recess)

MR. TAYLOR: Proceed with the cross-examination.

COMMANDER FELTON: No furtner questions.

DR. BOEHM: I have a few questions. [illegible]

BY DR. BOEHM:

Q. In the beginning of the cross-examination, Witness, you may have noticed that you were asked concerning the attitude of the SA and the Party toward the Church. Is it correct to coordinate the attitude of both [illegible] the Party and the SA

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toward the Church?

A. No; that is incorrect.

Q. A letter has been submitted to you from Bormann, addressed to Rosenberg, in which the Church and the Party were put into relationship to each other. Did the SA, as a whole, ever become acquainted with the contents of this letter?

A. No; the SA received their orders from the supreme SA leadership. It must be made quite clear that the ideas which came from the small circle around Bormann did not find an echo in the broad masses of the population.

Q. I now want to question you in relation to the questions pertaining to Reichsbischof Mueller. Did the SD identify itself with Mueller in any way at all, or did it agree with his opinions?

A. No.

DR. BOEHM: Thank you. No further questions.

MR. TAYLOR: The witness may be excused.

DR. BOEHM: Would it now be possible to continue the testimony of Dr. Walle?

MR. TAYLOR: Yes. [redacted]

The foregoing is a true and correct transcript of the testimony of EINHARDT RATHCKE taken on 26 June 1946.

Reporter

Reporter

CERTIFIED TO:

Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

26 June 1946.

EINHARDT RATHCKE -- Continued
DIRECT EXAMINATION -- Resumed

COMMISSIONER:

Mr. George R. Taylor (The Commission reconvened at 1045 hours)

THE SA

MR. TAYLOR: The witness is reminded that he is still under oath.

THE WITNESS: Yes, sir.

MR. TAYLOR: Proceed, Doctor

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MR. TAYLOR: It's not necessary to continue this discussion. You have your witness here - proceed along the line of defense that you have and introduce the evidence that this witness is going to testify to, but apparently during your line of questions this morning, some are not relevant to the

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Q. Did the SA take steps which are to be interpreted as hostile towards the church?

A. One should keep in mind that one of the sub-members was the Parlimentary Minister's son, Horst. Father was the field chancellor of the late Field Marshal von Hindenburg.

MR. TAYLOR: The witness is not answering your questions. He is going into a speech-making testimony. Let's confine ourselves to your questions. The witness is intelligent - he can answer your questions. You ask the questions and let him answer it. That's all we want.

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LT. CMDR. FELTON: Exactly.

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A. From my experiences within the framework of the church, I do not know of one incident in which the SA disturbed divine services or damaged, in any way, church buildings or property.

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Q. If such incidents would have occurred, would the church administration have learned about it?

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MR. TAYLOR: We are wasting a lot of time and frequently the Commission is of the opinion that some questions are irrelevant. I don't think the Commission under 6-A should hear irrevelant matters. I think counsel having read that, should confine themselves to that in testimony before the Commission. We can save more time by going ahead and letting the witness answer.

DR. BOEHM: Article 6 A (3) is based on the assumption of whether or not the individual member of the SA could ascertain the criminal character of the organization. This witness was not a leader in the SA. He was just a simple SA man, and as such and from his position as leading church administrator, he was able to gain certain opinions from the SA and I would like to request that the Commission hear at least one witness of this nature. We kn that crimes were committed in concentration camps, and I think it would be highly valuable if we would learn from this witness what he and his church learned about crimes in concentration camps.

MR. TAYLOR: Proceed with the witness.

Q. What did the SA know about the concentration camps?

A. Everybody knew there existed the concentration camps of Oranienburg and Dachau. Those camps were characterized as institutions of temporary nature. There were in the ranks of the SA even people who had been discharge from concentration camps. However, those people refused to give any information about the treatment they had received in the concentration camps.

Q. And what did you know as a member of the church administrative body about the concentration camps.

The concentration camp, Sachsenhausen belonged in my church district. Because Pastor Niemueller was kept there, we tried in vain to get in contact with that camp. Neither Dr. Niemueller's direct co-workers were in a positio Probst Hans Boehm were in a position to do so, nor the superintendent of the church at Eberhard Simon.

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Q. Did the SA know anything about any of the other crimes the prosecuti charges?

A. May I ask of what crimes you are talking?

Q. I refer to all crimes charged under 6 A, and that means not only crimes

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against peace, but war crimes and crimes against humanity as well.

A. Those crimes were supposedly committed during the war at a time when t majority of the members of the SA served in the armed forces.

Q. Did you read anything about them in the newspapers ?

A. No.

Q. Did you gain from any source any information on those things ?

A. No

Q. Wasn't it also that political propaganda made it impossible for you to be informed of those things ?

A. Yes, of course, that is ture, because propaganda was mostly one-sided, but there was no other source of information existing for us.

Q. Do you know that there was a penalty of death if you would listen to foreign broadcasts ?

A. Yes, I know that.

Q. Did members of the SA in conversations with you in your capacity as a minister try to get clarification as to the result and consequence of belonging to the SA ?

A. Yes, while the radicalism of SA increased, it became important for the individual to ascertain how much longer he was compelled to remain obedient to the SA.

Q. Did you ever discuss with individuals to what extent the State was entitled to demand individuals to joining or remaining within the SA ? And di you affirm or negate that question in principle ?

A. On the basis of the German law to assure the unity of State and Party, issued on December 1, 1933, every German citizen was obliged to belong to an organization of the Party.

Q. That means you answered that question in the affirmative in the conver tion with your SA members ?

A. On the basis of Biblical consequence of obedience as expressed in Roma No. 13, every minister has to submit to the order of obedience towards State authorities. The only thing we could tell the individual was that you, at the point you are standing, have the obligation to oppose crimes.

Q. What was the attractive element for you in the SA ?

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A. In the SA was a simple German people in whose cleanliness and decency I still believe.

Q. Weren't there other elements in the SA which attracted you too, as for instance, the idea of the union of the people ?

A. I stressed already yesterday that after the years of starvation and struggle, everybody desired a real socialist people community, and that was our conviction. On that point there was a real missionary task for the church

Q. You knew that Niemueller was put into a concentration camp. Why didn't you show the same attitude as he did ?

A. Niemuller had expressed demonstratively the opposition against the institution of concentration camps and the divine cult with the person of Adolf Hitler. It was the general opinion within the church circles that with Niemuller's deed the need for demonstration and protest had been satisfied for the time being, and that therefore now every German should fulfill his duty at his position in a decent way.

Q. You, therefore, considered it advisable to continue your work in a manner which would permit you to continue your work ?

A. We opposed any access of which we learned, and we opposed those outrages of which we learned in the newspapers always only after they had happened and we tried to influence the SA members in that sense.

Q. My last question is the following. You mentioned before that a few individual SA-men participated in the outrages of November 8 and 9, 1938. Wouldn't that have constituted a valid reason for you and other to dissassociate with the SA unless you did approve of these events ?

A. The large majority of the members of the SA disapproved and condemned these events, but since we were told that the supreme SA leadership had prohibited these events and that the individuals who participated in them would be sentenced and punished, we felt that our conscience could be satisfied.

Q. Wasn't your attitude also influenced by the fact that the events of November 8 and 9, 1938 constituted one single event ?

A. Yes, that was relevant because we believed again and again that in the future such outrages could be corrected.

Q. As far as your district was concerned, didn't many SA men you know of participate in the event of November 8 and 9 , 1938 ?

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A. As far as I know the events of November 8 and 9, 1938, were carried out by an organization troop which was not joined by the SA. Only during the course of November 10 in certain parts of the city individual SA men participated in those things. I myself didn't see one single SA man in uniform participate, and only subsequently I was informed that actually SA men did participate.

Q. Could you frankly and truthfully say that the overwhelming majority of the SA men did not participate in these events or do you have to deny that?

A. The atrocities and crimes committed them were not in accordance with the nature and character of the German people, and the average SA man did not approve of them.

DR. BOEHM: No further questions.

MR. TAYLOR: Any cross examination ?

CROSS EXAMINATION

BY MR. MARRECO:

Q. Why did you leave the SA in 1938 ?

A. Because there existed a general order that members of the church and ministers would not belong to a Party organization any more. As far as I know that was a secret order of the Party leadership.

Q. What was the purpose of that order ?

A. To diminish gradually the effectiveness of the church within the SA.

Q. Wasn't it because the SA had no use at all for anything that was Christian ?

A. That I do not believe, because I repeat could prove of pure and decent attitude on the part of my SA men.

Q. Where was the church with which you were connected ?

A. It is the Evangelical Church of the Prussians for Branburg and Prussia province.

Q. Was that the church with which Pastor Niemueller belonged ?

A. Yes.

Q. Are you speaking here for the Evangelical Church or are you speaking for one sector of the Lutheran Church ?

A. I belonged to that church and not to any special sector.

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Q. What was the attitude of the SA and of the Party towards the Roman Catholic Church ?

A. There existed a great deal of conflict between the SA and Roman Catholic Church.

Q. Isn't it a fact that throughout Germany the Roman Catholic Church was terribly insulted and persecuted ?

A. I may state that I represent the Protestant sector of the church.

MR. TAYLOR: That is not the question that prosecution asked him.

A. No, in that general way, one could not state that.

Q. Are you familiar with the publication, "The SA Man"?

A. I know of it, but I read only a few issued of it.

Q. Are you familiar with the articles which are being quoted in evidence in these proceedings in document 3050 PS -articles antagonistic to the Roman Catholic Church ?

A. No, at this moment I', not familiar.

Q. Am I to understand that you cannot speak for the Roman Catholic Church, but can only speak for the Evangelical Church ?

A. Yes.

Q. Is it correct that two factions existed in the Evangelical Church - the Deutscher Christian and the so-called Confessional faction ?

A. Yes.

Q. To which faction did Reichs Bishop Mueller belong ?

A. He was counted among the German Christians.

Q. And to which faction did Pastor Niemueller belong ?

A. Confessional church.

Q. What was your attitude towards Reichs Bishop Mueller ?

A. Large sectors of the church did not accept Reichs Bishop Mueller, becau he was considered inadequate both as a the theorist and as a minister.

Q. Was it because Reichs Bishop Mueller was prepared to condone the access

A. I do not know of that reason and I would consider it entirely impossibl that Mueller in spite of his friendly attitude towards the Nazis, could have condoned such accesses.

Q. You said that the units of the SA attended church services. Would they not attend that church which had purged of even many of independent lines and which more likely Mueller had been seized and thrown into a concentration cam

A. No, the matter was like this. During that theoratical conclusions betwe the so-called German Christians and confessional people, the majority retained neutral and different positions, and the SA members and other people retained quite normal relationships to those ministers.

Q. The SA was a function of the Nazi Party, was it not ?

A. Yes.

Q. So may I take it that SA policy in general was harmless with party policy

A. Not in every respect, because one has to realize that considering the huge program of the Party, the single points of the program were under constar discussion,

Q. Yes, there may have been differences in detail, but not in general. The Party laid down the broad lines which the SA was to follow, did it now ?

A. There existed, if I may say so, a little tension between the SA and the Party, because the average SA man refused from the very beginning to accept certain tendencies within the Party and he retired to a more moderate position.

Q. Are you telling us that Lutze , the SA Chief of Staff was a good church man ?

A. As far as I know Lutze never left the church, and I do not know that he ever openly opposed it.

Q. Look at this document. I shall read to you an extract from Document D-75, which is included in the document book of the Political Leaders. It is a letter from the inspector of the Security Police at Dusseldorf to Amt 4 of the RSHA. In the second paragraph it refers to a secret decree of the Par Chancellory signed by Bormann. in which Bormann clearly points out Nationalis Socialism and are incompatable and that the influence of the churches in Germany, including the Protestant Church must be eliminated. What have you got to say to that clear statement of the National Socialist policy ?

A. Only in the course of development of many years, we learned of the hostile attitude towards the church by the Chancellor of the Party and Bormann, and

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that actually secret orders dated from 1941. At that time we know that Bormann had become a fanatical enemy of the church.

Q I think you have sufficiently answered that question. Will you agree with me that Reichs Bishop Mueller, who was a leader of the faction in the church function, was if anything more favorable than most churchmen to the Party doctrine? Isn't that a question that could be answered yes or no? Wasn't Reichs Bishop Mueller or was he not more favorable than most churchmen to Party doctrine?

A In general I guess one could affirm that.

Q Yes, we have this letter which is 098-PS, included in the Hess document book from the Party Chancellory addressed to Rosenberg by Bormann which speaks even of Reich Bishop Mueller in these terms. I better read this: "The deputy of the Fuehrer has heard from different sources that Reich Bishop Mueller tells everywhere, that he received a commission from you to work out directions for formulating the teaching of religion for the schools. I have not been able to examine the statements of Reich Bishop Mueller as to their correctness. The question, having come up for discussion again by the statements of Reich Bishop Mueller, is however in my mind of such fundamental importance for the future ideological position of the party, that I find it necessary, already now to point out to you the serious objections I have in regard to such a commission." Would you read that. Two paragraphs down: "Christianity and National Socialism are phenomena which originated from entirely different basic causes. Both differ fundamentally so strongly, that it will not be possible to construct a Christian teaching which would be completely compatible with the point of view of the national socialist ideology; just as the communities of Christian faith would never be able to stand by the ideology of national socialism in its entirety. The issuing of national socialists directions for the teaching of religious classes would however be based on a synthesis of national socialism and Christianity which I find impossible." Isn't that a clear statement of National Socialist policies, and in view of this statement how can you say

that an organization of the Party was in harmony with church teaching?

A Subsequently one can state only with feelings of deep soul that the supreme leadership, Bormann and Hoss, actually they went that way of error and mistake.

Q All right. I think you have answered that question -- unless you want to explain further.

A I would like to add that the letter was not written before 1940, and that Reichs Bishop Mueller, after his dismissal in 1937, had nothing more to do with the church.

Q You have told us a good deal about outrages against churches committed by individual SA men, and you have told us that you were critical of these outrages -- which you only read about in the papers after they happened. In view of your knowledge of these widespread outrages, isn't it patently absurd to come here and say that the attitude of the SA toward the Church was not a hostile one?

A I beg your pardon; a misunderstanding must have occurred. I never stated that I learned of outrages committed against the Church. I stated that I learned of numerous outrages committed against Jews and other political enemies. I did learn of the outrages committed in November, 1938, but none of them were committed against churches.

Q I have no further questions.

COMMANDER FELTON: May we decide after the recess whether or not we need this witness further?

MR. TAYLOR: Very well.

(recess)

MR. TAYLOR: Proceed with the cross-examination.

COMMANDER FELTON: No further questions.

DR. BOEHM: I have a few questions.

BY DR. BOEHM:

Q In the beginning of the cross-examination, witness, you may have noticed that you were asked concerning the attitude of the SA and the Party toward the Church. Is it correct to coordinate the attitude of both the Party and the SA toward the Church?

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A No; that is incorrect.

Q A letter has been submitted to you from Bormann, addressed to Rosenberg, in which the Church and the Party were put into relationship to each other. Did the SA, as a whole, ever become acquainted with the contents of this letter?

A No, the SA received their orders from the supreme SA leadership. It must be made quite clear that the ideas which came from the small circle around Bormann did not find an echo in the broad masses of the population.

Q I now want to question you in relation to the questions pertaining to Reichs Bishop Mueller. Did the SD identify itself with Mueller in any way at all, or did it agree with his opinions?

A No.

DR. BOEHM: Thank you. No further questions.

MR. TAYLOR: The witness may be excused.

DR. BOEHM: Would it now be possible to continue the testimony of Dr. Wallo?

MR. TAYLOR: Yes.

The foregoing is a true and correct transcript of the testimony of EINSATZ RATHCKE taken on 26 June 1946.

Bernice Winkler
Reporter

D. J. Noll
Reporter

Geo. R. Taylor
Commissioner